

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

REFRIGERATION & AIR CONDITIONING	:	CIVIL ACTION NO. 05-2071 (MLC)
DIVISION PENSION FUND, et al.,	:	
	:	
Plaintiffs,	:	<b>MEMORANDUM OPINION</b>
	:	
v.	:	
	:	
ATLANTIC MECHANICAL,	:	
	:	
Defendant.	:	
_____	:	

**THE PLAINTIFFS MOVING** under Federal Rule of Civil Procedure ("Rule") 55(b) for entry of judgment by default in this action to recover payments under the Employee Retirement Income Security Act (dkt. entry nos. 4 & 5); and the plaintiffs seeking (1) \$10,943.65 as of September 6, 2005, for principal, interest, costs, and liquidated damages, (2) "interest at \$3.38 per diem after September 6, 2005 until judgment is satisfied," and (3) \$1,200 for attorney fees incurred and paid in prosecuting the action (Proposed Order); and the defendant failing to oppose the motion; and the Court, under Rule 78, deciding the motion without oral hearing and on the papers; and

**IT APPEARING** that default was entered against the defendant on June 30, 2005 (unnumbered dkt. entry btwn. dkt. entry nos. 3 & 4); and the plaintiffs properly supporting an award in the amount of \$12,245.05, which includes: (a) \$10,943.65 as of September 6, 2005, for principal, interest, costs, and liquidated damages, (2) \$101.40 in interest from September 6, 2005, through October 6,

2005,<sup>1</sup> and (3) \$1,200 for attorney fees (see dkt. entry nos. 4 & 5); and the Court intending to grant the part of the motion seeking entry of judgment by default in the amount of \$12,245.05; and the Court intending to direct that the judgment bear interest at the judgment rate from the date of entry of judgment until it is paid;<sup>2</sup> but

**THE COURT**, in its discretion, intending to deny the part of the motion seeking an award of "interest at \$3.38 per diem" from October 6, 2005, "until judgment is satisfied," as an award of postjudgment interest appears to be sufficient; and for good cause appearing, the Court will issue an appropriate order and judgment.

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s/ Mary L. Cooper  
**MARY L. COOPER**  
United States District Judge

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<sup>1</sup> Thirty days have elapsed between September 6, 2005, and October 6, 2005. Thirty multiplied by \$3.38 is \$101.40.

<sup>2</sup> The plaintiff is entitled to postjudgment interest on the amount owed for fees. See Eaves v. County of Cape May, 239 F.3d 527, 530 (3d Cir. 2001); Inst. Juvs. v. Sec'y of Pub. Welfare, 758 F.2d 897, 927 (3d Cir. 1985); Devex Corp. v. Gen. Motors Corp., 749 F.2d 1020, 1026-27 (3d Cir. 1984); Montgomery County v. Microvote Corp., No. 97-6331, 2004 WL 1087196, at \*9 (E.D. Pa. May 13, 2004).